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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/917,300	07/27/2001	Robert C. Knauerhase	10559-507001	9586
20985	7590	10/18/2004	EXAMINER	
FISH & RICHARDSON, PC 12390 EL CAMINO REAL SAN DIEGO, CA 92130-2081			JACOBS, LASHONDA T	
			ART UNIT	PAPER NUMBER
			2157	

DATE MAILED: 10/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/917,300	<b>Applicant(s)</b> KNAUERHASE, ROBERT C.	
	<b>Examiner</b> LaShonda T Jacobs	<b>Art Unit</b> 2157	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 July 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 July 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/6/2001</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: note reference numeral 520 on page 17, line 18. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: note reference numerals 201-209, 211, 213, 215, 217, 219, 221, 223 of Figure 2, numeral 401 of Figure 4 and 515 of Figure 5. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the

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examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Aravamundan et al (hereinafter, “Aravamundan”, 6,301,609).

As per claims 1 and 13, Aravamundan discloses a method and machine-readable instructions to provide a capability for a machine to perform operations comprising:

- discovering information relating to an accessibility state of one or more communication channels associated with a message recipient (col. 7, lines 5-20); and
- maintaining a data repository comprising the discovered accessibility state information (col. 5, lines 13-29);
- routing a message to the message recipient based on information in the data repository (col. 8, lines 56-67, col. 9, lines 1-9 and col. 10, lines 53-66).

As per claim 24, Aravamundan discloses a message-routing system comprising:

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- one or more discovery processes configured to discover information relating to an accessibility state of one or more communication channels associated with a message recipient (col. 7, lines 5-20);
- a data repository configured to store the discovered accessibility state information (col. 5, lines 13-29); and
- a message routing decision process configured to route a message to the message recipient based on information in the data repository (col. 8, lines 56-67, col. 9, lines 1-9 and col. 10, lines 53-66).

As per claim 2, Aravamundan discloses:

- providing one or more software processes capable of performing the operations on a computer system (col. 4, lines 54-64).

As per claims 3, 14 and 25, Aravamundan further discloses wherein the maintained data repository comprises:

- user preferences relating to user preferred message routing paths (col. 5, lines 13-29, col. 11, lines 14-19 and lines 38-45).

As per claims 4, 15 and 26, Aravamundan further discloses wherein the maintained data repository comprises:

- information about the user that facilitates context-appropriate message routing decisions to be made (col. 9, lines 64-67, col. 10, lines 1-6 and lines 53-66).

As per claims 5 and 16, Aravamundan discloses:

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- wherein a context-appropriate message routing decision is based at least in part on a level of obtrusiveness of an associated communications channel (col. 9, lines 64-67, col. 10, lines 1-6 and lines 53-66).

As per claims 6, 7, 17 and 18, Aravamundan discloses wherein the discovered accessibility state information includes:

- information relating to whether the recipient is reachable via a communication channel (col. 9, lines 30-44).

As per claims 8, 19 and 27, Aravamundan discloses wherein the discovered accessibility state information includes:

- information relating to whether the recipient is available via a communications channel (col. 9, lines 30-44).

As per claims 9, 20 and 28, Aravamundan discloses wherein routing the message comprises:

- choosing one or more communication channels associated with the user such that the is (i) likely to reach the user, (ii) in a timely manner, and/or (iii) at a context-appropriate level of obtrusiveness (col. 9, lines 64-67, col. 10, lines 1-6 and lines 53-66).

As per claims 10, 21 and 29, Aravamundan discloses wherein discovering information comprises:

- receiving information from a communications service provider relating to the message recipient's communications status and/or activity (col. 9, lines 10-22 and lines 30-44).

As per claims 11 and 22, Aravamundan discloses wherein discovering information comprises:

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- receiving information from the message recipient relating to the message recipient's communication status (col. 10, lines 52-66).

As per claims **12** and **23**, Aravamundan further discloses:

- providing the capability for a machine to receive from a message sender a device-independent identifier uniquely identifying the message recipient (col. 11, lines 14-19 and lines 38-45).

### *Conclusion*

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Pub. No. 2002/0178227 to Matsa et al

U.S. Pat. No. 6,260,148 to Aggarwal et al

U.S. Pat. No. 6,691,162 to Wick

U.S. Pat. No. 5,796,394 to Wicks et al

U.S. Pub. No. 2003/0046421 to Horvitz et al

WO 98/16045 to Goldfinger et al

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LaShonda T Jacobs whose telephone number is 703-305-7494.

The examiner can normally be reached on 8:30 A.M.-5:00 P.M..

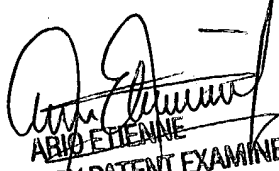
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 703-308-7562. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LaShonda T Jacobs  
Examiner  
Art Unit 2157

ltj  
September 30, 2004

  
ARJO ETIENNE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100